

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CALIX NETWORKS, INC.,

No. C-09-06038-CRB (DMR)

Plaintiff,

v.

WI-LAN, INC.,

**ORDER RE SUBMISSION OF JOINT  
LETTER, AND VACATING HEARING  
DATE RE PLAINTIFF'S MOTION TO  
ENFORCE COURT ORDER  
COMPELLING FURTHER DISCOVERY  
RESPONSES FROM DEFENDANT**

Defendant.

TO ALL PARTIES AND COUNSEL OF RECORD:

This Court is in receipt of Plaintiff Calix, Inc.'s Motion to Enforce Court Order Compelling Further Discovery Responses From Defendant Wi-LAN, Inc. ("Motion"). The previously noticed hearing date of December 23, 2010 at 11:00 a.m. on Plaintiff's Motion is hereby VACATED.

As required by the federal rules, the local rules, and this Court's Notice of Reference and Order re Discovery Procedures ("Notice of Reference"), parties are required to meet and confer in an effort to resolve any discovery dispute. *See* Fed.R.Civ.P. 37(a)(1); Civ.L.R. 37-1; Docket No. 52. This Court's Notice of Reference specifically requires parties to meet and confer in person or by telephone, and does not permit such meet and confer efforts to be conducted by letter, e-mail, or fax. *See* Docket No. 52 (Notice of Reference ¶ 5). Based on Plaintiff's Motion, it appears that the parties

1 have not complied with this requirement. Thus, **by no later than November 22, 2010**, lead counsel  
2 for the parties shall meet and confer either in person or by telephone to try to resolve their  
3 disagreements.

4 If the parties do not resolve their dispute through this procedure, the parties shall file a **joint**  
5 **letter not to exceed 5 single-spaced pages**, instead of any further formal briefing. The joint letter  
6 shall be filed by the parties no later than **December 6, 2010**. The joint letter shall: (a) include an  
7 attestation that the parties met and conferred either in person or by telephone regarding all issues  
8 before filing the letter; (b) describe each unresolved issue; (c) summarize each party's respective  
9 position as to each issue with appropriate legal authority (setting forth Plaintiff's position first,  
10 followed immediately by Defendant's position); and (d) provide each party's final proposed  
11 compromise as to each issue (with Plaintiff's proposal first, followed immediately by Defendant's  
12 proposal), including the main point(s) of disagreement with respect to the other party's proposed  
13 compromise. Lead counsel for both parties must sign the joint letter. The Court will then review the  
14 joint letter and determine the necessity of any future proceedings, including the possibility of a  
15 telephonic conference of the parties or an in-person hearing.

16  
17 IT IS SO ORDERED.

18  
19 Dated: November 15, 2010



20 DONNA M. RYU  
21 United States Magistrate Judge  
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